

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 611

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO PROPERTY LAW; AMENDING THE DEFINITION OF "SOLAR
COLLECTOR" IN THE SOLAR RIGHTS ACT; INVALIDATING RESTRICTIONS
ON THE INSTALLATION OR USE OF SOLAR COLLECTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 3, Article 18 NMSA
1978 is enacted to read:

"[NEW MATERIAL] LIMITATION OF COUNTY AND MUNICIPAL
RESTRICTIONS ON SOLAR COLLECTORS.--

A. A county or municipality shall not restrict the
installation of a solar collector as defined pursuant to the
Solar Rights Act, except that placement of solar collectors in
historic districts may be regulated or restricted by a county
or municipality.

B. A covenant, restriction or condition, contained

.167528.4

underscored material = new
[bracketed material] = delete

1 in a deed, contract, security agreement or other instrument
2 affecting the transfer, sale or use of, or an interest in, real
3 property, that effectively prohibits the installation or use of
4 a solar collector is void and unenforceable."

5 Section 2. Section 47-3-1 NMSA 1978 (being Laws 1977,
6 Chapter 169, Section 1) is amended to read:

7 "47-3-1. SHORT TITLE.--~~[This act]~~ Sections 47-3-1 through
8 47-3-5 NMSA 1978 may be cited as the "Solar Rights Act"."

9 Section 3. Section 47-3-3 NMSA 1978 (being Laws 1977,
10 Chapter 169, Section 3) is amended to read:

11 "47-3-3. DEFINITIONS.--As used in the Solar Rights Act:

12 A. "solar collector" means ~~[any]~~ a device,
13 substance or element, or a combination of devices, substances
14 or elements, ~~[which rely]~~ that relies upon sunshine as an
15 energy source and ~~[which are]~~ that is capable of collecting not
16 less than twenty-five thousand ~~[Btu's]~~ British thermal units on
17 a clear winter solstice day or that is used for the conveyance
18 of light to the interior of a building. The term also includes
19 any ~~[substance or]~~ device, substance or element ~~[which]~~ that
20 collects solar energy for use in:

21 (1) the heating or cooling of a structure or
22 building;

23 (2) the heating or pumping of water;

24 (3) industrial, commercial or agricultural
25 processes; or

1 (4) the generation of electricity.

2 A solar collector may be used for purposes in addition to
3 the collection of solar energy. These uses include, but are
4 not limited to, serving as a structural member or part of a
5 roof of a building or structure and serving as a window or
6 wall; and

7 B. "solar right" means a right to an unobstructed
8 line-of-sight path from a solar collector to the sun, which
9 permits radiation from the sun to impinge directly on the solar
10 collector."